

February 22, 2016

FOR IMMEDIATE RELEASE

Summary of February 4-5, 2016, Board Meeting

The following is a summary of the February 4-5, 2016, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 93 cases.

New Investigative Cases: The Board reviewed 37 new investigative cases.

Combined Statement of Charges and Settlement Agreements: If the Board determines that probable cause exists for formal disciplinary action against a licensee, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreements contain the Board's allegations and the disciplinary sanctions.

The Board approved 3 Combined Statements of Charges and Settlement Agreements.

1. An Iowa-licensed physician who practices medicine in Bettendorf, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on February 5, 2016. The Board charged the physician with failing to conform to the minimal standard of acceptable and prevailing practice of medicine when he prescribed medications to multiple patients via telemedicine using electronic means, based solely on an internet request, without establishing a physician-patient relationship sufficient to establish an informed diagnosis and provide appropriate medical care. The Board issued the physician a Citation and Warning and ordered him to pay a \$10,000 civil penalty and complete a Board-approved professional ethics program. The Board also prohibited the physician from engaging in the practice of telemedicine unless and until he demonstrates that he is able to do so in a safe manner and he receives prior written approval from the Board.

2. An Iowa-licensed physician who formerly practiced family medicine in Sumner, Iowa, and currently practices medicine in Sibley, Iowa, and Sioux Falls, South Dakota, entered into a combined Statement of Charges and Settlement Agreement with the Board on February 5, 2016. The Board charged the physician with demonstrating professional incompetency in violation of the laws and rules governing the practice of medicine in Iowa including: improper diagnosis and treatment of lung cancer; improper diagnosis and treatment of Lyme disease; inadequate medical record keeping; improper office practices and improper telemedicine services. The Board issued the physician a Citation and Warning and ordered her to pay a \$5,000 civil penalty. The Board prohibited her from prescribing, administering or dispensing controlled substances for the treatment of chronic pain and from engaging in the diagnosis and treatment of Lyme disease until and unless she demonstrates that she is competent to provide such care with reasonable skill and safety and receives prior written approval from the Board. The Board also prohibited her from engaging in the practice of telemedicine. The Board placed her on probation for a period of five years subject to Board monitoring including: prescribing audits; a structured, individualized education intervention; a practice monitoring plan and a worksite monitor.
3. An Iowa-licensed physician who practices general surgery in Denison, Carroll, Manning, Ida Grove and Sac City, Iowa, entered into a combined Statement of Charges and Settlement Agreement on February 5, 2016. The Board charged the physician with demonstrating professional incompetency in violation of the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate surgical care to nine patients between 2008 and 2013 including: failure to have and/or document an informed discussion with patients regarding the planned procedure prior to the operation; failure to recognize and/or document the severity of post-operative complications; failure to provide and/or document appropriate post-operative care; delegating post-operative care to the patient's primary care provider; and failure to have and/or document an informed discussion with patients regarding the surgical findings, prognosis or treatment plan following the operation. The physician completed a comprehensive clinical competency evaluation at the Center for Personalized Education for Physicians (CPEP) on June 26, 2015, and CPEP recommended that he complete a structured, individualized education plan which includes an educational preceptor, continuing medical education and self-study, and a clinical reassessment. The Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also placed him on probation for a period of five years subject to Board monitoring including a structured, individualized education plan and a practice monitoring plan.

Dismissal Orders: The Board issues Dismissal Orders when the Board determines that it is unable to, or unnecessary to, proceed with pending disciplinary charges.

The Board approved 1 Dismissal Order.

1. An Iowa-licensed physician who formerly practiced cardiovascular medicine in Sioux Falls, South Dakota, had disciplinary charges dismissed by the Iowa Board on February 5, 2016. On November 9, 2011, Dr. Miller entered into an Agreement to Voluntarily Surrender his South Dakota Medical License due to a mental health condition. On August 8, 2014, the Board charged Dr. Miller with entering into a voluntary agreement to restrict the practice of medicine in another state. Dr. Miller's Iowa medical license has been inactive since January 1, 2011. Effective January 1, 2016, Dr. Miller relinquished his Iowa medical license because he failed to renew or reinstate his Iowa license within five (5) years after its expiration. Therefore, Dr. Miller no longer holds an Iowa medical license and the Board dismissed the pending disciplinary charges.

Board Appearances: The Board may ask a licensee to appear before the Board to discuss concerns when the Board determines that a face-to-face meeting will assist the Board during the investigative process.

The Board held 5 appearances due to the following concerns:

1. Concerns about a physician's treatment of an elderly patient in hospice care.
2. Concerns about a physician's surgical care to a patient who experienced a bowel perforation during a laparoscopy.
3. Concerns that a physician failed to maintain timely medical records and failed to respond to the Board's investigation in a timely manner.
4. A physician's request to stay enforcement of the deadlines established by the Board in a disciplinary order.
5. Concerns about a physician's pain management practices and treatment of patients with chronic health problems.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action against a licensee the Board may send a confidential, non-disciplinary, letter to the licensee expressing concerns and requesting that the licensee take corrective action, including further education.

The Board voted to issue 13 confidential Letters of Warning or Education for the following areas of concern:

1. Concerns about a physician's treatment of patients via telemedicine including the physician's examinations and documentation.
2. Concerns that a physician failed to maintain timely medical records and failed to respond to the Board's investigation in a timely manner.
3. Concerns about a physician's treatment of a critically ill patient following discharge from the hospital.
4. Concerns that a psychiatrist discussed a business transaction with a patient during office visits.
5. Concerns about a physician's treatment of a patient who had physical contact with a bat and may have contracted rabies.
6. Concerns that a physician failed to report hospital disciplinary action to the Board in a timely manner.
7. Concerns that a physician failed to complete an electronic death certificate in a timely manner.
8. Concerns that a specialist failed to refer a patient to their primary care provider for a cardiac workup in a timely manner.
9. Concerns about a physician's treatment of patients for drug addiction including, early refills, positive drug screens and medical record keeping.
10. Concerns that a physician misread a CT scan of the head resulting in the delayed diagnosis and treatment of a subdural hematoma.
11. Concerns about a physician's use of hormone therapy including; evaluation, testing, and monitoring.
12. Concerns about a physician's delayed diagnosis and treatment of a patient's fractured tibia and communication with the patient.
13. Concerns that an Iowa-licensed physician was disciplined by another licensing authority for failing to notify a patient or the patient's primary care provider about a suspected pelvic mass on an MRI of the spine.

Monitoring Committee: The Monitoring Committee monitors licensees who are subject to a Board disciplinary order and require monitoring.

The Monitoring Committee reviewed 6 physicians who are being monitored by the Board and held 1 physician appearance.

Screening Committee: The Screening Committee reviews cases that are lower priority to determine whether investigation is warranted.

The Screening Committee reviewed 24 cases.

Licensure Committee: The Licensure Committee reviews initial license applications, renewals, and reinstatements and other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

Committee Work: The Committee reviewed 3 licensure applications. Two permanent licenses were granted and one permanent license was reinstated.

The Committee recommended the Board grant a request for waiver of Iowa Administrative Code 653-9.3(1)c which states that applicants who are required to have 24 months of postgraduate training, must have training that is continuous, progressive, in not more than two specialties, and in not more than two programs approved by the Board. The Board approved the Committee's recommendation to waive the requirement because the applicant had completed one accredited year of postgraduate training and one year in an unaccredited position in an accredited program and received identical training. Further, the applicant had been practicing in Iowa on a temporary license and practicing in Nebraska on a full and unrestricted license.

The Committee approved 3 Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the applications.

In other action the Board:

- Received a report from the Iowa Physician Health Program, which monitors physicians with mental health issues, physical disabilities or substance use disorders. On January 31, 2016, the program had 61 participants and nine applicants in the review process.
- Received reports from the Iowa Attorney General's Office on eight disciplinary cases.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on February 10, 2016. If you have questions about this summary or the Board's press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.